

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:12 cr 33-2**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>KENNETH ASHE.</b>	)	
	)	

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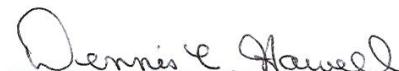
**THIS MATTER** has come before the undersigned for an evidentiary hearing concerning Defendant's Motion to Withdraw Plea of Guilty (#102) filed by Defendant. At the call of this matter on for hearing Defendant's counsel requested that evidentiary hearing in this matter be continued so that certain recorded telephone calls recorded by the Cherokee County, North Carolina Sheriff's Office of conversations between Defendant and his prior counsel could be obtained through the use of a subpoena. The Government, who was represented by Assistant United States Attorney, Tom Kent, objected to the motion to continue. After considering the matter, the undersigned determined that good cause has been shown for the granting of the motion and determined to continue this matter until October 31, 2013. However, the undersigned directs that counsel for both the Defendant and the Government shall, on or before October 23, 2013, subpoena all witnesses that either party deems necessary and further directs that the parties shall

be prepared to go forward with all evidence in this matter at the hearing that is scheduled for October 31, 2013.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the oral Motion to Continue the hearing of Defendant's Motion to Withdraw Plea of Guilty (#102) is hereby **CONTINUED** and the hearing is continued until **October 31, 2013 at 9:30 a.m.** It is **ORDERED** and directed that both Defendant and the Government shall, on or before **October 23, 2013**, subpoena all witnesses that either party wishes to call as witnesses at the evidentiary hearing in this matter to be held on October 31, 2013 and the parties be prepared before the hearing on that date.

Signed: October 16, 2013

  
Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

